

Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances

Delaware State Planning Coordination
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Date of Most Recently Certified Comprehensive Plan: October 2003 (Amended September 10, 2007)

Application Type:

Comprehensive Plan Amendment: X

Ordinance:

Other: _____

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Please describe the submission:

In light of property owners' recent increased interest in annexation into the Town of Cheswold, the Comprehensive Plan is proposed to be amended as follows:

Adding tax parcels to its short-term annexation plan which would increase the annexation areas to the south and west of Town as indicated on Maps 8 and 9.

Adding a chapter (Chapter 5) to describe how the annexation plan and other comprehensive plan elements will be affected.

Enclosures: Chapter 5, Map 8, Map 9

CHAPTER 5. 2008 AMENDMENT TO THE COMPREHENSIVE PLAN

5.1. Introduction

In October 2007, the Town noted in its annual report to the OSPC that an amendment to the Annexation Plan element was anticipated in the near future; toward that purpose, in November 2007, the Town Council passed a resolution to amend the Comprehensive Plan to include properties whose owners have recently expressed an interest in annexing into Town. The Town proposed to amend its certified Comprehensive Plan in regard to annexations. This amendment revises Map 8 “Five-Year Growth Plan and Proposed Land Use Plan” and Map 9 “Growth Phasing for the Land Use Plan” to reflect the inclusion of parcels in the short term annexation areas so that the annexation process may formally begin as soon as this amendment is adopted and state certified. The amendment is presented here, as a new chapter and updated maps, to be appended to the original document. When adopted, the amendment will not change the certification date of the original Plan, nor will it mitigate any reporting requirements for the Town under Delaware Title 22 §702(e).

5.2 Community Overview

Many recommendations of the 2003 Plan have been implemented; the Town is better prepared to support additional residential and commercial growth. Since the adoption of the Plan’s 2006 amendment:

- The Town has annexed about 351 acres for residential use, identified as Area 4 in Maps 8 and 9, in conformance with the 2003 Annexation and Land Use Plan.
- With the above mentioned annexation, the Town was donated two contiguous acres of land to be used as a site for a new Town Hall and police service headquarters.
- The Town has expanded its police force by two full-time officers who trained in New Castle County, Delaware.
- The Cheswold Volunteer Fire Company is in the process of expanding its facilities to accommodate more emergency response vehicles.
- The Capitol and Smyrna School Districts transferred lands and came to an agreement on accommodating the anticipated increase in student enrollment as annexations progress.
- The Town Council adopted an amendment to the Land Use Ordinance which defined a Cluster Development District overlay zone and regulations for its use, added regulations for the protection of excellent recharge areas, and defined the requirements for the dedication and maintenance of land for open space and recreation.
- The Town has coordinated with Kent County for the transfer of building inspection duties to the Town. Building inspections services will be contracted out to a building inspector who serves many other Delaware towns.

Since Area 4 (Maps 8 and 9) to the northwest of Town has been annexed, adjacent property owners have expressed interest in annexing their properties into the Town of Cheswold. To the south, an age-restricted community currently under construction has also expressed interest in annexing into Town. Three of the property owners expressing interest have their parcels located in the long-term annexation area, to be considered for annexation after October 2008. The Town views these potential annexation areas as advantageous to the Town and its current residents.

The stated overall Town goals (see Chapter 1, page 11) remain valid and are reinforced with this amendment. In particular this amendment hopes to forward this goal:

- Manage the use of selected properties adjacent to the Town and increase the Town's areas and tax base.

5.3 Land Use Plan and Annexation

This amendment, section 5.3, augments the Land Use Plan included in Chapter 2.3b "Annexation and Future Land Use," Map 8 "Five-Year Growth Plan and Proposed Land Use Plan" and Map 9 "Growth Phasing for the Land Use Plan." In practice the maps and text should be used in concert.

5.3a Annexation

This amendment increases the area that the Town will consider for short term annexation, that is, within the Town's five-year growth plan. Maps 8 and 9 identify annexation areas 1, 2, 3, 4 and 5 as eligible for annexation within 5 years from 2003. Area 2 was annexed in 2004 and Area 4 was annexed in April 2007. Area of Concern "A" (see Chapter 2.3b, page 25) in maps 8 and 9 was identified as part of the long-range planning area, to be considered for annexation after October 2008. One parcel included in this amendment is adjacent to Area 5; the balance of these amendment parcels constitutes Area of Concern "A", identified on Map 9 as a possible senior community.

5.3b Land Use Plan

Industrial and Commercial Areas

No new industrial areas are proposed for the Town. Parcels comprising Area of Concern "A" may accommodate small commercial businesses servicing its residents as part of a mixed-use residential community plan.

Residential Land Use

Areas 1, 2, 4 and 5 are identified for residential land use; this amendment does not alter this designation and adds one more residentially designated parcel adjacent to Area 5. The Town's comprehensive plan identified a preference for preservation of trees and encouragement of park space. In support of this preference, Area of Concern "A", within which wetlands have been located (see Map 7 "Environmental Features"), has been designated a land use of "residential and preferred areas for open space and amenities."

Neighborhoods and Community Design

The goal of adding new parks or other community facilities to the Town may be furthered with increased interest in annexation of large undeveloped parcels. This amendment identifies one of the parcels of Area of Concern "A" as a preferred area for open space and amenities; if a cluster development overlay to residential zoning is requested, this parcel would provide surrounding communities with open space vistas or could be a publicly accessible location for a park area.

The areas being considered for short term annexation under this amendment are included in a service territory held by Tidewater Utilities, Inc. and Kent County Sewer, and can be served.

Delaware Airpark

The Airpark properties are identified on Map 8 and Map 9 as Area “C.” As part of the April 2007 annexation agreement between the Town and property owners of Area 4, the deeds will inform homeowners of their proximity to the Delaware Airpark and that it is an actively used airport. This amendment supports the Town continuing to request that developers provide a note on record plans and notification of homeowners where the airport is in relationship to the specific development. The management of the Delaware Airpark has been consulted with recent annexation requests from owners of Areas 4 and 5, and been invited to attend public hearings regarding annexation requests.

As the Airpark continues its facility expansion, the Town will work with DelDOT to better manage development of potential annexation properties adjacent to the Airpark. The Town continues to view the Delaware Airpark as an attractive amenity to the Greater Cheswold Area. This amendment does not include the Delaware Airpark in the 5-year growth plan for annexation, and continues to include it in the long-term planning area shown on Map 9, if the State or future private owners wish the Town of Cheswold to evaluate a future annexation.

Coordination of Development

The Town continues to participate in a coordinated approach to development that will permit new lands and tax base into the Town and procure lands for construction of a new school for the local school district. With the annexation of new residential property in Area 4, the Capitol and Smyrna School Districts transferred school district lands to help accommodate anticipated increases in student enrollment.

Transportation Planning

This amendment furthers the residents’ desire for a more walkable and interconnected Town (see Chapter 1, Section 1.6c). In exploratory discussions regarding annexation of parcels identified in this amendment for short term annexation, the Town has emphasized the importance of including sidewalks, interconnected neighborhoods and retail areas that allow residents to limit trips, and choose transportation alternatives.

5.4 Implementation of 2003 Comprehensive Plan

Concurrent with the addition of properties to the Annexation Plan portion of the 2003 Comprehensive Plan, and with the associated increase in population should these annexations proceed, the Town will continue to support the implementation of the following Comprehensive Plan recommendations:

- Effective use of the Land Use Ordinance’s various buffer requirements, parking, active open space, tree preservation and other regulations.
- Continued development of the Town’s processes, procedures, and fee schedules in conjunction with staff training and development.
- Concurrent zoning with annexations in conformance with the Land Use Plan and the Land Use Ordinance requirements.
- Continued contractual agreements and intergovernmental coordination with Kent County and the City of Dover, regarding building inspection, tax assessments, wastewater and trash collections.

- Develop a priority list of public facilities, such as schools, expanded postal office or public safety facilities that can be made available to property owners and the public to facilitate cooperative efforts for anticipated needs.
- Develop a financial plan that will support future staff requirements in public safety, public works and at Town Hall.

Recommendations for Timing and Process

New development within the Town will continue to use utility providers – electric, sewer and water – from regulated utility companies or, in the case of sewer, Kent County. Permits, contracts and extension of these services will be negotiated by the developer directly with the utility, as has been done in the past. The Town of Cheswold will continue to participate in regional planning efforts that assist these utilities in anticipating demand for services.

Police service and municipal government are directly provided to property owners, businesses and residents of the Town. In an effort to provide more adequate municipal services, the Town continues to research means of financing a full time Town Manager and new Town Hall facility.

The Capital School District should not be adversely affected by the potential annexations; a large portion of the parcels are currently being developed under Kent County land use ordinances as an age-restricted retirement community.

Parcel List

The following table includes a listing of new parcels that are included in the 5-year Annexation Plan Amendment on Map 8, and in the Map 9 growth phasing planning area “Identified for Annexation 3-5 years.”

Table 1 Parcels for inclusion in 2008 Amendment to the Cheswold Comprehensive Plan

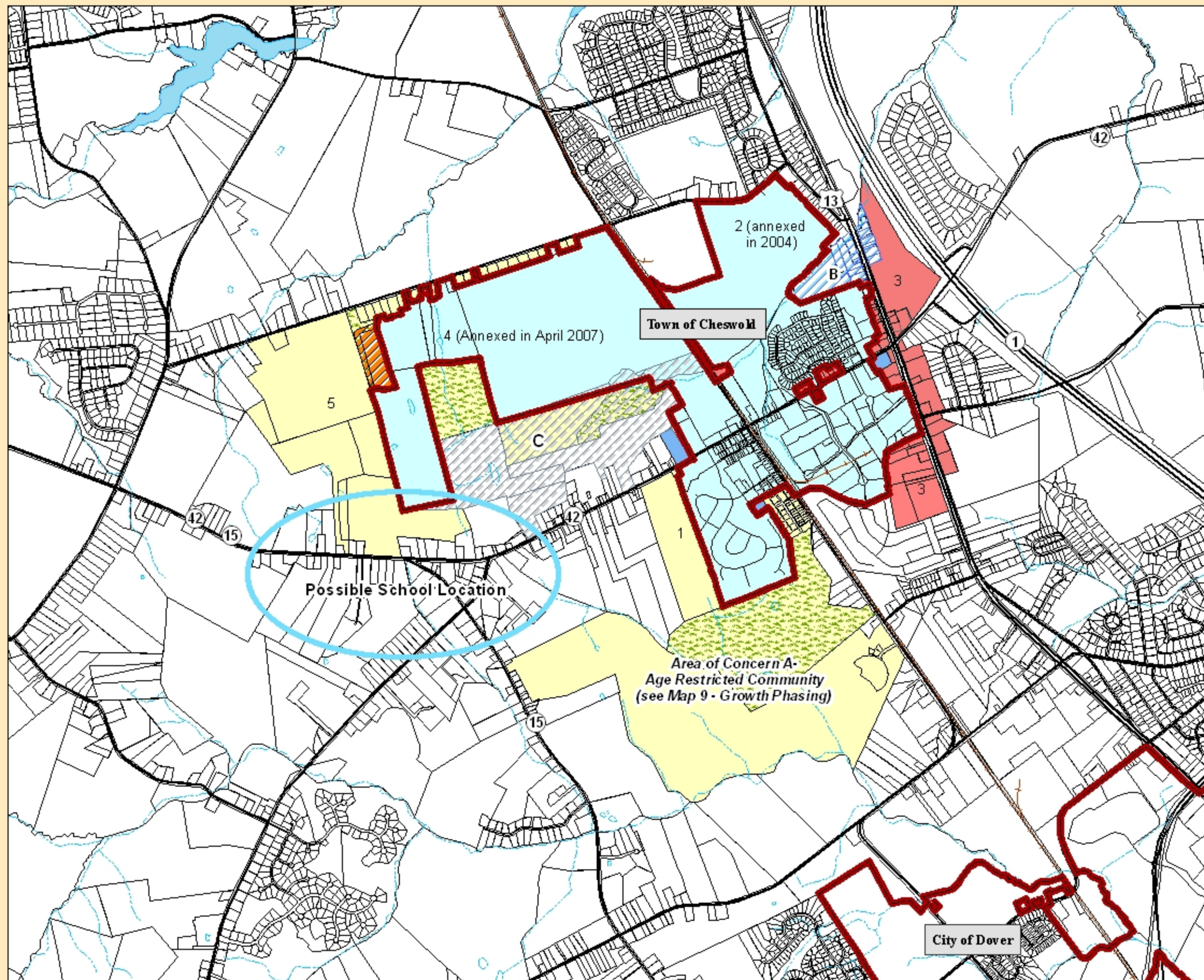
Tax Parcel ID	Area	Owner	Proposed Land Use
KH00-056.00-01-12.00	133.90 Acres	T. Noble Jarrell III	Residential/Open Space
KH00-056.00-01-12.04	222.60 Acres	Eddie Evans Farm, LLC	Residential
KH00-056.00-01-12.05		Eddie Evans Farm, LLC	Residential
KH00-056.00-01-12.06		Eddie Evans Farm, LLC	Residential
KH00-056.00-01-12.07		Eddie Evans Farm, LLC	Residential
KH00-056.00-01-12.08		Eddie Evans Farm, LLC	Residential
KH00-056.00-01-12.09		Eddie Evans Farm, LLC	Residential
KH00-046.00-01-13.00	42.90 Acres	Jerome L. Caldwell	Residential

Total Acres added to Short term annexation area: 399.4

Public Participation and Intergovernmental Coordination for the 2008 Amendment

Text to be added.

DRAFT



The Town of Cheswold COMPREHENSIVE PLAN

Adopted Oct 2003
Amended September 2006
Draft Amendment January 2008

Legend

Municipal Boundaries 11-2007
Growth Area Proposed Land Use Plan

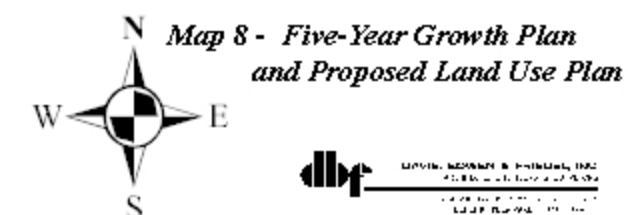
- Residential
- Residential and Preferred Areas for Open Space or Amenities
- Commercial
- Institutional
- Permanently Restricted

- Area 1 - Residential with limited existing institutional
- Area 2 - Residential (annexed in 2004)
- Area 3 - Commercial with limited existing institutional
- Area 4 - Residential (annexed in 4-2007)
- Area 5 - Residential

Areas of Local Interest or Concern

- Area "B" - Groundwater Issues
- Area "C" - Airport

The term Land Use Plan refers to both the text of Chapters 2, 4 and 5 and the map suite. In practice neither should be used without referencing the other.



Notes: 1) Tax Parcel outlines based on GIS data available through Kent County, circa 2006, with modifications through the Town of Cheswold GIS projects.
2) Framework data courtesy of DNREC, De DOT, DGS, and the Delaware Geographic Data Committee, various releases.

THIS DRAWING HAS BEEN PREPARED, IN PART, BASED ON PUBLIC DOMAIN INFORMATION FURNISHED BY OTHERS. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE FOR CONCEPTUAL PLANNING PURPOSES, DAVIS, BOWEN & FRIEDL, INC., CANNOT VERIFY ITS ACCURACY AND ASSUMES NO RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS INCORPORATED INTO IT.



The Town of Cheswold COMPREHENSIVE PLAN

Adopted Oct 2003
Amended September 2006
Draft Amendment January 2008

Legend

- Municipal Boundaries 11-2007
- Growth Phasing**
 - Existing enclave to be annexed if requested
 - Identified for Immediate Annexation if Requested
 - Identified for Annexation 3-5 years
 - Potential Enclave - Annex if requested
 - Possible Annexation to Prevent Development
 - Long-Range Planning Area to be evaluated for Annexation after Oct 2008
 - Out of Play - very limited potential for annexation

Area 1 - Residential with limited existing institutional
Area 2 - Residential (annexed in 2004)
Area 3 - Commercial with limited existing institutional
Area 4 - Residential (annexed in April 2007)
Area 5 - Residential

Areas of Local Interest or Concern

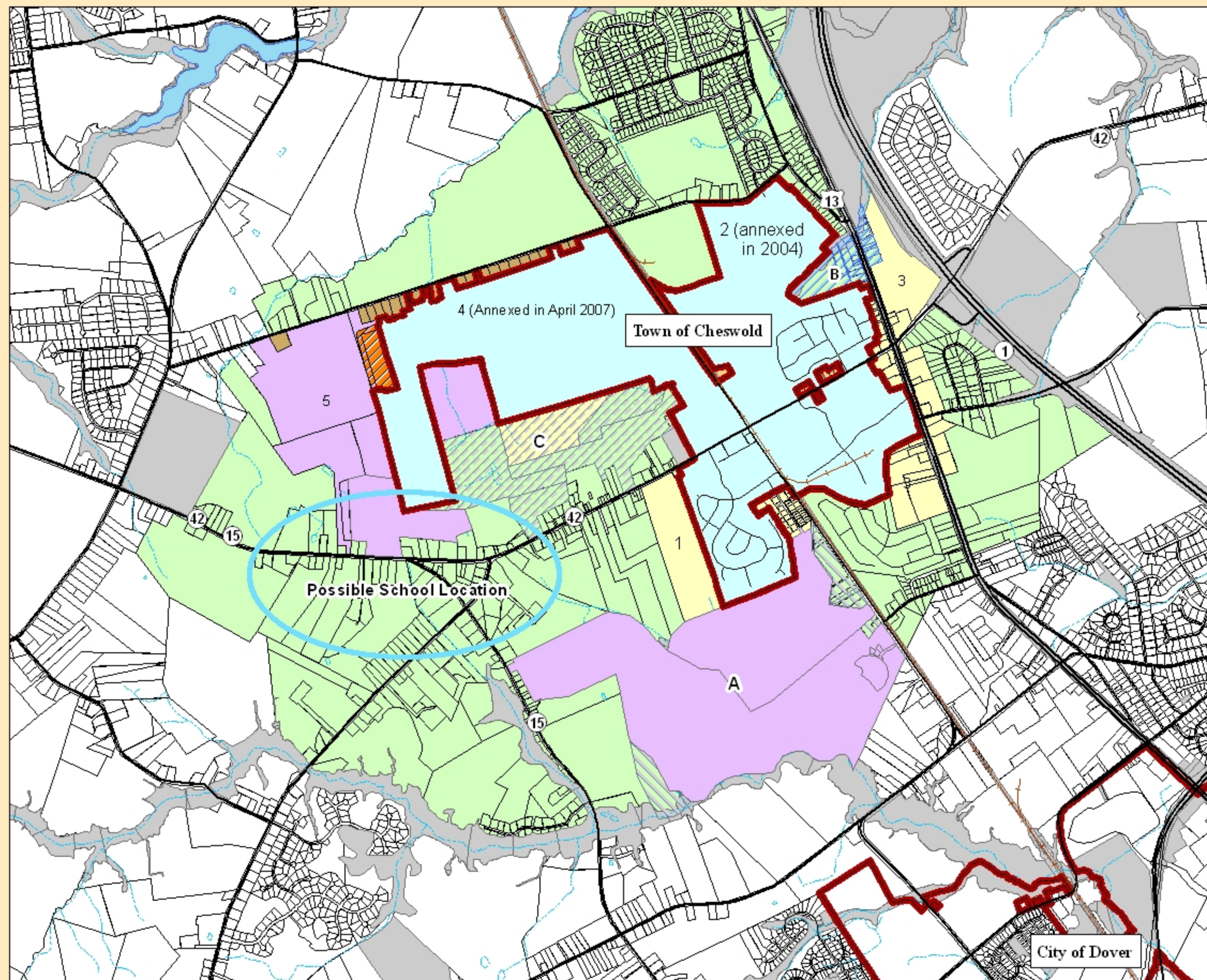
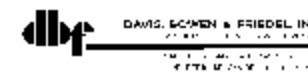
- Area "A" - Age Restricted Community
- Area "B" - Groundwater Issues
- Area "C" - Airport

The term Land Use Plan refers to both the text of Chapters 2, 4 and 5 and the map suite. In practice neither should be used without referencing the other.

2,000 1,000 0 2,000
Feet



Map 9 - Growth Phasing for
the Land Use Plan



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